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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

8 NICOMEDES TUBAR, III,

9 Plaintiff,

10 v.

11 JASON CLIFT; and THE CITY OF KENT,  
12 WASHINGTON, a municipal corporation,

13 Defendants.

No. C05-1154-JCC

ORDER GRANTING DEFENDANTS'  
MOTION TO QUASH SUBPOENA  
DUCES TECUM DIRECTED TO CITY  
ATTORNEY ARTHUR "PAT"  
FITZPATRICK

14 This matter comes before the Court on Defendants' Motion to Quash Subpoena  
15 Duces Tecum (Dkt. No. 307), Plaintiff's Response (Dkt. No. 322), and Defendants' Reply  
16 (Dkt. No. 326). Having considered the records and files herein, the briefs of the parties and  
17 related submittals, and being duly advised, the Court finds as follows:  
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19 The subpoena duces tecum and its "Exhibit A" is directed at matters, specifically  
20 unredacted billing records relating to Defendant City of Kent's legal services received from  
21 Keating Bucklin and McCormack, Inc. P.S. between May 2002 and March 2004.  
22 Defendants have demonstrated "good cause" to quash the subpoena because: (1) Plaintiff  
23 failed to employ the proper discovery device, Fed. R. Civ. P. 34, for seeking production of  
24 party-defendant City of Kent's documents; and (2) any limited probative value of the  
25 evidence sought in the unredacted version of these billing records is substantially  
26 outweighed by the risk of unfair prejudice, *see* Fed. R. Evid. 403.  
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1 Accordingly, Defendants' Motion to Quash (Dkt. No. 307) the aforementioned  
2 subpoena duces tecum is hereby GRANTED.

3 SO ORDRED this 14th day of May, 2009.  
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8 John C. Coughenour  
9 UNITED STATES DISTRICT JUDGE  
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